

REMARKS

Claims 7-11 stand rejected under 35 U.S.C 101 as being directed to non-statutory subject matter. Claims 1- 4-7, 10 and 11 stand rejected under 35 U.S.C 102(e) as be anticipated by Kuwabara et al. (U.S. Patent No. 5,909,439). Claims 1-11 are pending. Claims 1-11 stand rejected the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-19 of co-pending Application No. 09/090,037.

Applicants respectfully submit that claims 7-11 are directed to statutory subject matter. Claims 7-11 are directed to a composition of matter as defined by 35 U.S.C 101, namely a signal (claim 7-9) and a computer readable medium (claims 10-11). See also, Warmerdam 33 F.3d 1361, 31 USPQ2d 1760 (patentability of computer readable media). Claims 7-11 are not directed to "data structures" or "abstract ideas" as indicated in the Office Action (e.g. MPEP 2106 (IV) (B) (1), but again physical things.

The Applicant acknowledges the Examiner's provisional double patenting rejections of the present application and co-pending Application No. 09/090,037. Pursuant to M.P.E.P § 804 I.B, applicant elects to address the merits of the

provisional obviousness-type double patenting rejections when they become ripe.

Claim 1 is directed to a communication system comprising a transmitter for transmitting cyclically a plurality of mutually related objects via a communication network including assembling means for combining the mutually related objects that relate to an application into a combined transport entity to allow transmission consistency of the objects, wherein the transport entity includes an indication of size for each of the mutually related objects; and a terminal connected to the network for receiving the objects and including processing means for processing the plurality of mutually related objects for extracting the plurality of mutually related objects from the common transport entity and the indication of size for each of the mutually related objects, and for processing the plurality of mutually related objects using the indication of size to determine the position of each object in the transport entity. Amended - independent claims 4-7 and 10-11 recites similar limitations.

Kuwabara, as read by the applicants, relates to a satellite communications system to realize modes for applications, such as shopping.

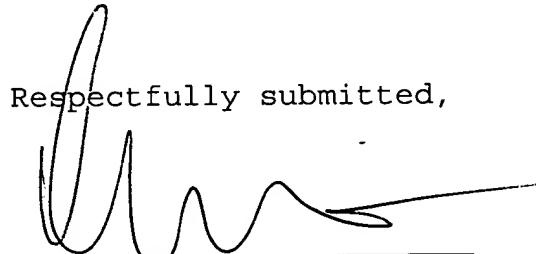
Applicants find nothing in Kuwabara that teaches the limitations of transmitting cyclically a plurality of mutually related objects via a communication network including assembling means for combining the mutually related objects that relate to an application into a combined transport entity to allow transmission consistency of the objects, wherein the transport entity includes an indication of size for each of the mutually related objects... and using the indication of size to determine the position of each object in the transport entity, as specifically recited in amended claim 1.

The MPEP section 2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. Applicant submits that Kuwabara does not satisfy MPEP section 2131 as anticipatory references. Accordingly, withdrawal of the rejection is respectfully requested with regard to claim 1.

Claims 2-3 and 8-9 in this application are each dependent from one or the other of independent claims discussed above and are, therefore, believed allowable and patentable for at least the same reasons.

The applicants have made a sincere attempt to advance the prosecution of this application by reducing the issues for consideration and specifically delineating the zone of patentability. The applicants submit that the claims, as they now stand, fully satisfy the requirements of 35 U.S.C. 102. In view of the foregoing amendments and remarks, favorable reconsideration and early passage to issue of the present application are respectfully solicited.

Respectfully submitted,



Daniel J. Piotrowski  
Attorney  
Reg. No. 42,079

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:  
**COMMISSIONER OF PATENTS AND TRADEMARKS**  
Alexandria, VA 22313-1450

On October 7, 2003  
By Edna Chayen